

# Pearce Durick PLLC

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June 30, 2022

**RECEIVED**

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**NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Hand Delivered**

Steven Kahl  
Executive Director  
ND Public Service Commission  
Capitol  
600 E. Boulevard, Twelfth Floor  
Bismarck, ND 58505

RE: Midcontinent Communications Annual ETC Certification Filing and Submittal  
Pursuant to N.D.A.C. §69-09-05-12.1

Dear Mr. Kahl:

In a separate cover letter, Midcontinent's Annual ETC Certification Filing and Submittal Pursuant to N.D.A.C. §69-09-05-12.1 along with Exhibits C and D were provided.

Enclosed with this letter please find separately bound and placed in a sealed envelope labeled "PROTECTED INFORMATION – PRIVATE," one copy of the Confidential Exhibits A and B referenced in the document.

Also enclosed please find an Application Requesting trade Secret Protection pursuant to N.D.A.C. Ch. 69-02-09.

Thank you.

Sincerely,

PEARCE DURICK PLLC



ZACHARY E. PELHAM

Counsel to Midcontinent Communications

ZEP/df  
Enclosures

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IN THE MATTER OF THE REQUEST OF )	
MIDCONTINENT COMMUNICATIONS FOR )	ANNUAL ETC CERTIFICATION
CERTIFICATION REGARDING ITS USE OF )	FILING AND SUBMITTAL
FEDERAL UNIVERSAL SERVICE SUPPORT. )	PURSUANT TO N.D.A.C. § 69-09-05-12.1

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Midcontinent Communications (“Midcontinent”), by and through its attorney, makes this filing to seek certification from the Federal Communications Commission (the “FCC”) as is required under 47 CFR 54.313 and to comply with the Commission’s rules pertaining to ETCs. As part of this filing, Midcontinent offers the following:

1. Pursuant to 47 C.F.R. § 54.314, each carrier that has been designated as an eligible telecommunications carrier (“ETC”) that is eligible to receive future federal universal service support must file an annual certification with the FCC and the Universal Service Administrative Company (“USAC”) stating that federal high-cost support provided to the carrier will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. This certification requirement applies to various categories of federal universal service support, including support provided pursuant to 47 C.F.R. §§ 54.301, 54.305, and/or 54.307, and/or 47 C.F.R Part 36, Subpart F (high-cost loop support, local switching support, safety net additive support and safety valve support). Support provided under these FCC rule provisions will only in the future be made available if the State Commission files the requisite certification pursuant to 46 C.F.R. § 54.314.

2. The certification required to receive federal universal service support for all four quarters during calendar year 2023 is currently due to be filed with the FCC and USAC on or before October 1, 2022. The certification may be presented to these entities in the form of a letter from the State Commission. The letter must identify which carriers in the State are eligible to receive federal support during the 12-month period and must certify that the carriers listed will only use the support for the provision, maintenance and upgrading of facilities and services for which the support is intended.

3. Midcontinent is a competitive local exchange telephone company that has previously been designated by this Commission as a Competitive ETC (CETC). Midcontinent provides local exchange telephone services, including all of the essential services that are included in federal definition of universal service within its established service area in South Dakota, North Dakota, Kansas and Minnesota.

4. As required by the provisions of §54.313(a)(3), Midcontinent is committed to providing service throughout its existing service areas to all customers making a reasonable request for service. Midcontinent has, since 2005, served as a competitive eligible telecommunications carrier within its

established service areas. Midcontinent already has extended wireline local exchange network facilities throughout its service area as necessary to make all essential local exchange services that are support by federal universal service available to end-user customers within its service area. Consistent with its past practice, Midcontinent hereby certifies that it will provide service on a timely basis to all requesting customers within its designated ETC service area. In certain cases, the provisioning of this service may require a customer in a new location to first meet the requirements of Midcontinent's line extension policies. These line extension policies are, however, consistent with the requirement under both federal and state law to meet all reasonable requests for service. In 2021, Midcontinent fulfilled all requests for telephone service in its service area. Midcontinent certifies that it is complying with applicable service standards and consumer protection rules. Midcontinent also certifies that in those exchanges where service is being offered, it offers local usage plans comparable to the incumbent local exchange provider.

5. Midcontinent certifies that it has the ability to remain functional in emergency situations as required by the provisions of §54.313(a)(6). Midcontinent is currently in compliance with this Commission's "auxiliary and battery power requirements" set forth in §54.202(a)(2).

6. In accordance with §54.314, Midcontinent certifies that all federal high-cost support received during 2021 was and will be used for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

7. Midcontinent certifies that it does provide equal access to long distance carriers.

8. In addition to the information included in CONFIDENTIAL Exhibit A, the following information is provided to meet the Commission's "Certification requirements" set forth in ND Administrative Code §69-09-05.12.1:

- Midcontinent's service quality improvement plan is to continue to upgrade its telecommunications facilities and equipment as necessary to meet evolving service requirements and maintain high quality service throughout its service area. As a competitive local exchange carrier, Midcontinent upgrades and replaces facilities and equipment as necessary. In furtherance of its service quality improvement plan, Midcontinent will use any high-cost universal service amounts received by it to offset expenditures incurred as it continues to upgrade and replace facilities and equipment. In addition, Midco will provide service to underserved and unserved areas as required by the particular high cost program funding awarded. Midcontinent's Actual Capital Expenditures for 2021 and Estimated 2021 Capital Expenditures are attached as CONFIDENTIAL Exhibit B.
- During calendar year 2021, Midcontinent did not experience any unplanned service outage affecting at least 10 percent of its end user customers, for a period lasting longer than 30 minutes.

- Midcontinent was able to provide service to all potential customers that requested service during 2021, and as of December 31, 2021, Midcontinent had no unfulfilled requests for service.
- During 2021, Midcontinent Communications did not receive any complaints.

9. An eligible telecommunications carrier, under ND Administrative Code § 69-09-05-12.1, is also required to demonstrate annually of its Lifeline and Link-up assistance program outreach. Midcontinent's Lifeline outreach program includes information and application form on its website, [www.midco.com/internetassistance](http://www.midco.com/internetassistance).

Midcontinent's telephone service brochures and the handbooks provided to new telephone customers provide information on the availability of Lifeline assistance. Also, at least annually Midcontinent advises customers of the program through statement messaging, during 2021 messages ran in September. Midcontinent also ran commercial spots on cable TV periodically during 2021. All Lifeline Advertising and Outreach campaigns are provided in Exhibit C.

Based on all of the forgoing information including the information provided on Confidential Exhibits A, and B, Midcontinent requests that this Commission issue an appropriate certification to the FCC and USAC indicating that Midcontinent Communications is in compliance with 47 U.S.C. § 254(e) and should receive all federal universal service support determined for distribution to Midcontinent in 2023. In order to ensure that certification is issued to the FCC prior to October 1, 2022, Midcontinent would further ask the Commission to expedite the process that is initiated based on this filing.

Dated this 30<sup>th</sup> day of June, 2022.

Respectfully Submitted,

PEARCE DURICK PLLC

BY:

  
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*Individually and as Members of the Firm  
Attorneys for Midcontinent Communications*

State of South Dakota        )  
  )ss  
County of Minnehaha        )

**AFFIDAVIT**

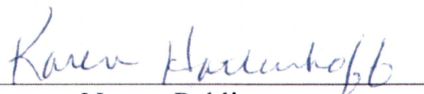
As an authorized representative of Midcontinent Communications, I, Patrick J Mastel hereby affirm familiarity with and an understanding of the requirements of the Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996 with respect to the receipt of any federal universal service funds received as high-cost loop support, local switching support, safety net additive support, and/or safety valve support and hereby affirm that any such support amounts received by Midcontinent Communications will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended consistent with 47 U.S.C. §254(e).

Midcontinent further certifies that under N.D.A.C. § 69-09-05-12.1 (5), (6), (7) and (8), and 47 CFR § 54.313, it provides equal access to long distance carriers within its service area, it is in compliance with requirements for service quality standards and can perform under emergency situations. Midcontinent further certifies that it provides consumer protection



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Patrick J Mastel

Subscribed and sworn to before me this 29<sup>th</sup> day of June, 2022.



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Notary Public



Notary Print Name: Karen Hartenhoff  
My Commission Expires: 4-21-2028